Remarks/Arguments:

By this Amendment, Applicants have amended claims 4, 7, 8, 16, 36, 38, 41, and 42. Applicants have cancelled claims 11, 13, 17, 20, 37, 39, and 44. The pending claims are 1-10, 12, 14-16, 18, 19, 21-36, 38, 40-43, and 45-50.

Allowed Claims and Allowable Claims

Applicants acknowledge with appreciation the Examiner's finding that claims 27-31, and 45-50 are allowed. Applicants also acknowledge with appreciation the Examiner's finding that there is allowable subject matter in claims 4, 6, 8, 10, 12, 14, 21-26, 34, 39, and 42.

Claim 4 has been amended so that it is now in independent form and should be found allowable. Claim 8 has also been amended so that it is in independent form, and it too should be found in condition for allowance. Applicants have also amended claim 38 by incorporating the allowed subject matter of claim 29. And Applicants have incorporated the allowed subject matter of claim 42 into claim 41. Thus, claims 38 and 41 should also be found in condition for allowance.

Claim Rejections Under Section 103

Claims 1-3, 7, 11, 13, 15, 32, 33, 36-38, 41 and 44 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Yamagishi; and claims 5, 9, 10, 16-20, 35, 40, and 43 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Yamagishi in view of Kondo. By this Amendment, Applicants respectfully traverse the Section 103(a) rejections.

Claims 1, 3, 7, 15, 16, 27, 29, 32, 33, 36, 38, 41, 45, and 47 are independent claims.

Turning first to independent claim 1, it is directed to a data processing apparatus for processing data based on a received result of wireless-communication with an image display apparatus for receiving a user's input. The data processing apparatus defined by claim 1 includes the following elements.

- a CPU,
- a memory, and
- a wireless unit,
- wherein a user's input entered in the image display apparatus is received through the wireless unit, and **image data of an image to be displayed by the image display apparatus is generated in the data processing apparatus as a result of data processing based on the received result, and is transmitted to the image display apparatus through the wireless unit.**

Applicants contend that the data processing apparatus defined by claim 1 is neither taught nor suggested by the Yamagishi Patent at least based on the feature of claim 1 of the image data of an image to be displayed by the image display apparatus being generated in the data processing apparatus as a result of data processing based on the received result and being transmitted to the image display apparatus through the wireless unit. Simply put, this feature is not taught or suggested in the Yamagishi Patent. The Yamagishi Patent merely discloses an image display which corresponds to a conventional display. Such conventional display is described in the subject application as follows:

> Herein, the difference from the prior art of the data processing apparatus and image display apparatus connected through wireless communication is as follows: in the conventional system, the data processing apparatus side sends a drawing command in the image display apparatus side, and the image display apparatus side generates and displays the image data according to this joint command.

See page 14, lines 1-6 of the subject application (emphasis added).

The Office Action takes the position that "it would have been obvious to one of ordinary skill in the art to generate an image formation at the data processing level because it would transmit a processed image to the display and at the same time reduce the image

display size." (Emphasis added). It is Applicants' contention that this rejection is not directed to the above noted feature of Applicants' claimed invention, as well as being irrelevant to this feature.

Applicants' independent claim 1 calls for a data processing apparatus which requires transmitting from the data processing apparatus image data of the image to be displayed by the display apparatus. This is not taught or suggested in the Yamagishi Patent. The Yamagishi Patent, like a conventional data processing apparatus, merely sends a drawing command, and does not teach or suggest the above noted feature of Applicants' claimed invention.

The Office Action states that it would be obvious to one of ordinary skill in the art to generate an image formation at the data processing apparatus "because it would transmit a processed image to the display and at the same time reduce the image display size." (Emphasis added). But this operation of reducing the "display size" discussed in the Office Action and relied thereon, does not in any fashion relate to Applicants' claimed invention. Nor does this operation of reducing the display size relate to obviousness of transmitting from the data processing apparatus any image data of an image to be displayed by sending a drawing command. The basis for this rejection is thus technically incorrect. In addition, Applicants' claimed invention is not obvious or within the common knowledge of one skilled in the art, because the size of the image to be displayed (e.g. bits map data) is larger than a size of a drawing command as performed by a conventional data processing apparatus like Yamagishi. That is to say, Applicants' claimed invention sends and receives data having a size larger than the size of data received by the apparatus disclosed in the Yamagishi Patent.

For the reasons stated above, it is Applicants' contention that claim 1 and the claims dependent thereon are patentably distinguished from the Yamagishi Patent. Applicants further contend that this feature of claim 1 is substantially found in independent claims 3 and 15. Thus claims 3 and 15 and the claims dependent thereon are likewise patentably distinguished from the Yamagishi Patent.

Independent claim 7 has been amended by incorporating therein the cancelled feature of claim 11. As now amended, claim 7 includes the feature that "the image data transmitted from said second wireless unit to said first wireless unit is a differential portion

only." (Emphasis added). It is Applicants' contention that this feature of claim 7 is neither taught nor suggested in the Yamagichi Patent.

The Office Action states at page 3 that, "Yamagichi teaches a data processing that is capable of transmitting image data from the wireless unit in a differential portion as claimed." While the Office Action states that the Yamagichi data processing apparatus "is capable of" this feature of Applicants' claimed invention, the Office Action does not point to any teaching or suggestion in the Yamagichi Patent which supports this position. The Office Action in essence is saying that this feature is "well known" in the prior art. The basis for "well known" prior art teaching is set forth in Section 2144.03 of the Manual of Patent Examining Procedure. In addition, this issue was addressed in a Memorandum from Steven Kunin, Deputy Commissioner of Patent Examination Policy, dated February 21, 2002 (a copy of this Memorandum is attached hereto). This Memorandum was issued as a result of recent litigation before the U.S. Court of Appeals for the Federal Circuit. In essence, the Memorandum and the Court decisions state that there must be some form of evidence in the record to support an assertion of common knowledge. Such evidence is lacking in the Office Action. The Office Action merely states some general conclusion and has not provided any evidence for its support. Appropriate evidence supporting this position must be provided to Applicants either in the form of cited prior art or in the form of an affidavit from the Examiner. Otherwise the rejection should be withdrawn.

Applicants also contend that this Section 103 rejection does not meet the three basic criteria which must be met for a *prima facie* case of obviousness. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference must teach or suggest all of the claimed limitations. *In Re Vaeck*, 947 F.2d 484, 20 USPQ 2d 1438 (Fed. Cir. 1991). Applicants contend that the requirement of the prior art reference teaching or suggesting the "differential portion only" feature of Applicants' claim 7 is simply not found in the Yamigishi Patent, but is based merely on supposition. Applicants therefore contend that claim 7 and the claims dependent thereon are patentably distinguished from the Yamagishi Patent.

Applicants further contend that the "differential portion only" feature is also found in independent claims 32 and 33, as well as dependent claim 2. In addition, Applicants have

amended independent claims 36 and 41 so that they too include this feature. Thus, these claims and the claims dependent thereon, are likewise patentably distinguished from the Yamagishi Patent.

Claim 17 has been cancelled, but the feature of claim 17 has been incorporated into dependent claim 16. It is Applicants' contention that this feature is neither taught nor suggested in either the Yamagishi Patent or the Kondo Patent.

As amended, claim 17 includes the feature that "said image update detecting means detects the updating of the image data when an amount of the image data updated within a specified time is larger than a predetermined amount." The Office Action appears to admit at page 4 that this feature is not taught or suggested or in the Yamagishi Patent, but instead relies on the Kondo Patent for teaching this feature. Applicants respectfully disagree.

The feature of an image update detecting means as defined in amended claim 16 is not taught or suggested in the Kondo Patent. While the Kondo Patent discloses the detecting of a "movement vector," the detecting of a movement vector is different from "said image update detecting means detects the updating of the image data when an amount of the image data updated within a specified time is larger than a predetermined amount," as set forth in amended claim 16 (emphasis added). Thus, it is Applicants' position that the Kondo Patent does not teach this feature, and therefore claim 16 and the claims dependent thereon are patentably distinguished from the references of record.

Based on the foregoing discussion, Applicants respectfully submit that the Section 103(a) rejections should be withdrawn and the rejected claims should be found in condition for allowance.

Based on the foregoing remarks and amendments, Applicants respectfully submit that claims 1-10, 12, 14-16, 18, 19, 21-36, 38, 40-43, and 45-50 are either allowed or are in

condition for allowance. Reconsideration and allowance of all pending claims are respectfully requested.

Respectfully submitted,

RatnerPrestia

Daniel N. Calder

Lawrence E. Ashery, Reg. No. 34,515
Daniel N. Calder, Reg. No. 27,424
Attorneys for Applicants

DNC:ds

Dated: December 29, 2003

Enclosure: USPTO February 21, 2002 Memorandum

Suite 301
One Westlakes, Berwyn
P. O. Box 980
Valley Forge, PA 19482-0980
(610) 407-0700

The Commissioner for Patents is hereby authorized to charge payment to Deposit Account No. **18-0350** of any fees associated with this communication.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

December 29, 2003

Daniel N. Calder

DS_I:\MAT\8080US\AMEND03.DOC